IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE WESTERN DIVISION

RICHARD FABER, Individually, and also on behalf of all similarly situated persons, and JENNIFER MONROE, Individually, and also on behalf of all similarly situated persons,))))
Plaintiffs,))
VS.	No. 2:16-cv-02337-STA-cgc
CIOX HEALTH, LLC, d/b/a HEALTHPORT TECHNOLOGIES, LLC,))))
Defendant.)

ORDER DENYING DEFENDANT'S MOTION TO ALTER OR AMEND

Before the Court is the Motion (ECF No. 43) of Defendant CIOX Health, LLC, d/b/a Healthport Technologies, LLC, to Alter or Amend the Court's September 29, 2017 Order (ECF No. 40) on Defendant's Motion to Dismiss (ECF No. 18). Though Defendant initially filed the instant Motion under Rule 59 of the Federal Rules of Civil Procedure, the Court entered an Order (ECF No. 45) that notified the parties *inter alia* that it would be construing the Motion under Rule 54(b) and Local Rule 7.3. That same day Plaintiffs filed their Response (ECF No. 46) to Defendant's Motion. The Court has reviewed the briefings of the parties and finds that it did not ignore any point of authority or arguments raised by the parties when considering the Motion to Dismiss. Nor does the Court find that it made any manifest error when applying the law to the general allegations made in the Amended Complaint (ECF No. 15). Accordingly, Defendant's

Motion is **DENIED**. Nothing in the Court's September 29, 2017 Order or this Order precludes Defendant, however, from raising these arguments, or similar arguments, once more in light of undisputed material facts when such facts are before the Court.

It is so ORDERED.

s/ S. Thomas Anderson S. THOMAS ANDERSON CHIEF UNITED STATES DISTRICT JUDGE

Date: November 14, 2017.